Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

| Bill Request #: 967 |
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| Bill #: SB 56 SCS 1 |
| Document ID #: 2747 |
| Bill Subject/Title: AN ACT relating to the sale of tobacco, alternative nicotine, and vapor products. |
| Sponsor: Sen. Ralph Alvarado |
| Unit of Government: X City X County X Urban-County Unified Local |
| X Charter County X Consolidated Local X Government |
| Office(s) Impacted: Law enforcement |
| Requirement: X Mandatory Optional |
| Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing |

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

SB 56 SCS 1 raises the minimum age to purchase tobacco, alternative nicotine, and vapor products to 21 and prohibits anyone from selling a tobacco, alternative nicotine, or vapor product to a person under 21. The definitions of "tobacco product," and "vapor product" are amended to conform to federal law. A person under the age of 21 who purchases or attempts to purchase the products would be subject to a citation to be issued by law enforcement or the Department of Alcoholic Beverage Control. There is no fine associated with the citation. All status offense designations for the sale, purchase, or distribution of tobacco, alternative nicotine, and vapor products by juveniles are removed.

Local peace officers *may* issue citations, but this function is *typically* that of the Department of Alcoholic Beverage Control. Wholesalers, retailers, manufacturers, or businesses may also be subject to a fine for selling the products to a person under 21. The bill would take effect January 1, 2021.

The fiscal impact of SB 56 SCS 1 is indeterminate to minimal. Local law enforcement would be authorized to issue additional citations. Some training on the provisions would be necessary, but this is expected to be a minimal cost. Enforcement would likely be the same as with current law; when local peace officers learn of violators, they typically contact the Department of Alcoholic Beverage Control.

Part III: Differences to Local Government Mandate Statement from Prior Versions

The fiscal impact of SB 56 SCS 1 is unchanged from that of SB 56 as introduced.

Part II pertains to HB 56 SCS 1. HB 56 SCS 1 keeps most of the provisions of SB 56 as introduced but makes the following changes:

- amends certain definitions to conform to federal law;
- removes the fine of \$50 to \$500 for any person age 18-21 who purchases tobacco, alternative nicotine, or vapor products; and
- removes jurisdiction related to juvenile tobacco offenses from juvenile court, thus keeping it under the auspices of the Department of Alcoholic Beverage Control.

| Data Source(s): | LRC Staff; KI | RS Chapter 438 | | | |
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| Preparer: Rober | rt Jenkins | Reviewer: | KHC | Date: | 1/15/20 |